

53-R-1810

A RESOLUTION AS SUBSTITUTED

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF \$56,730.11 IN SETTLEMENT OF THE CLAIM OF MELVIN SOLOMON, THROUGH HIS ATTORNEY, GARY S. FREED AGAINST THE CITY OF ATLANTA

WHEREAS, Melvin Solomon, through his attorney, Gary S. Freed, has filed a claim against the City of Atlanta seeking damages for breach of contract and bad faith claims for the withholding of severance pay; and

WHEREAS, One Stop Capitol Shop, Inc. was created as an Atlanta Empowerment Zone initiative to provide services and programs that provided a direct or indirect benefit to the Empowerment Zone and its residents; and

WHEREAS, in May of 2000 Melvin Solomon was recruited by One Stop Capitol Shop, Inc., to be their Executive Director and during the course of his negotiations he requested that he be given an employment contract; and

WHEREAS, although the employment contract was still in negotiations, Melvin Solomon assumed the position as Executive Director for One Stop Capitol Shop, Inc. on June 5, 2000; and

WHEREAS, on March 1, 2001, Mr. Solomon formally entered into an Executive Employment Contract with One Stop Capitol Shop, Inc. for a term of four years, effective June 5, 2000 and terminating on June 4, 2004, this contract was signed by both Melvin Solomon and former Mayor, Bill Campbell, who signed on behalf of One Stop Capitol Shop, Inc.; and

WHEREAS, paragraph 5 of the contract detailed the methods of termination of employment by One Stop Capitol Shop, Inc., specifically, paragraph 5A provided "termination without cause by AOSCS. The AOSCS may terminate the Agreement at anytime without cause. However, in the event that the AOSCS terminates the employee without cause, the employee shall be entitled to receive termination pay equal to six (6) months of his base salary under this Agreement"; and

WHEREAS, on October 30, 2002 Mayor Shirley Franklin, acting in her capacity as Board Chairperson for One Stop Capitol Shop, Inc., in a written communication terminated Mr. Solomon's employment at One Stop Capitol Shop, Inc., without cause effective November 1, 2002 and promising that One Stop Capitol Shop, Inc. would honor the compensation provisions in Section 5A of the Executive Employment Contract at that the compensation would be paid in full to Mr. Solomon by April 30, 2003; and

WHEREAS, Melvin Solomon has not yet been compensated pursuant to the terms and conditions of his employment contract; and

WHEREAS, the City Attorney has determined that it is in the best interest of the City of Atlanta to settle Mr. Solomon's claim and has recommended that the claim of Melvin Solomon, through his attorney, Gary S. Freed be settled for the sum of \$56,730.11.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$56,730.11 be paid by the City of Atlanta to Melvin Solomon, through his attorney, Gary S. Freed, in satisfaction of any and all claims he may have stemming from damages sustained due the termination of his employment as Executive Director with One Stop Capitol Shop, Inc., and that the City Attorney prepare appropriate releases.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to pay the above mentioned sum from account number 1A01/529017/T31001.

ADOPTED by the Council APPROVED by the Mayor

Londa Laughin Johnson Junicipal Clerk, CMC NOV 03, 2003 NOV 10, 2003

Atlanta City Council

Regular Session

CONSENT I CONSENT I PGS 1-18 EXCEPT:03-R-1860, 03-O-1653, 03-R-1676 ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 3

Y Smith Y Archibong Y Moore Y Mitchell B Starnes Y Fauver B Martin Y Norwood Y Young Y Shook Y Maddox B Willis Y Winslow NV Muller Y Boazman NV Woolard

Atlanta City Council

Regular Session

CONSENT I CONSENT I 03-R-1860

ADOPT

YEAS: 10
NAYS: 0
ABSTENTIONS: 1
NOT VOTING: 2
EXCUSED: 0
ABSENT 3

Y Smith Y Archibong Y Moore A Mitchell B Starnes Y Fauver B Martin Y Norwood Y Young Y Shook Y Maddox B Willis Y Winslow NV Muller Y Boazman NV Woolard

Atlanta City Council

Regular Session

CONSENT I

CONSENT I 03-R-1676

ADOPT

YEAS: 9
NAYS: 0
ABSTENTIONS: 1
NOT VOTING: 3
EXCUSED: 0
ABSENT 3

Y Smith Y Archibong Y Moore Y Mitchell B Starnes NV Fauver B Martin Y Norwood A Young Y Shook Y Maddox B Willis Y Winslow NV Muller Y Boazman NV Woolard

□V Vote ØRC Vote Valley FINAL COUNCIL ACTION MAYOR'S ACTION NOV 0 3 2003 NOV 0 3 2003 CERTIFIED Readings □1st & 2nd MAYOR うなるととう **Z**Consent □2nd Fav, Adv, Hold (see rev. side) Fav, Adv, Hold (see rev. side) Committee Committee Members Members Refer To Refer To Action: Chair Date Chair Date First Reading Fav, Adv, Hold (see rev. side) Fav, Adv, Hold (see rev. side) Committee Committee Members Refer To Refer To Action: Other: Other: 10/38/03 Action: Date Chair Committee
Date
Chair
Referred to **LEGAL ADMINISTRATION COMMITTEE** RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF \$56,730.11 IN SETTLEMENT OF THE CLAIM OF MELVIN SOLOMON, FREED AGAINST THE CITY OF THROUGH HIS ATTORNEY, GARY S. ADOPTED BY NOV 0 3 2003 COUNCIL 1st ADOPT 2nd READ & REFER 03 - K - 8/0REGULAR REPORT REFER PERSONAL PAPER REFER BY PUBLIC SAFETY AND DEPUTY CITY ATTORNEY ADVERTISE & REFER CONSENT REFER JERRY L. DELOACE A RESOLUTION APPROVED BY: Date Referred Date Referred Date Referred Referred To: Referred To: Referred To: ATLANTA